



**Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 3732**

**PATENT
ATTORNEY DOCKET NO.: 056090-5001**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Mail Stop AF
)	
Seung-Choul YANG, et al.)	Confirmation No.: 5055
)	
Application No.: 10/043,178)	Group Art Unit: 3732
)	
Filed: January 14, 2002)	Examiner: A. Ramana
)	
For: SURGICAL INSTRUMENTS AND)	
METHOD FOR CREATING)	
ANATOMIC WORKING SPACE IN)	
MINILAPAROTOMY PROCEDURE)	

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop AF
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

AMENDMENT UNDER 37 C.F.R. § 1.116

In response to the Final Office Action dated August 16, 2004 (Paper No. 8904), and pursuant to 37 C.F.R. §1.116, the period for response to which extends through November 16, 2004, entry of the following amendments is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal.



AF/3732
Hw

Response Under 37 C.F.R. §1.116
Expedited Procedure
Examining Group No. 3700

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Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment Under 37 C.F.R. § 1.116 responding to the Final Office Action dated August 16, 2004.

2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, _____ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 430.00	\$ 215.00
<input type="checkbox"/> three months	\$ 980.00	\$ 490.00
<input type="checkbox"/> four months	\$ 1,530.00	\$ 765.00

Extension of time fee due with this request: \$ 0.00.

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for ____ months has already been secured and the fee paid therefor of \$____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	25	minus	35	0	x \$18 each=	+ \$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	2	minus	6	0	x \$88 each=	+ \$ 0.00
[] First presentation of Multiple dependent claim(s)					\$300.00	+ \$ 0.00
SUB-TOTAL =						\$ 0.00
Reduction by ½ for filing by a small entity						- \$ 0.00
TOTAL FEE =						\$ 0.00

6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to charge **\$ 0.00** for the -month extension of time fee due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: November 12, 2004

By: Donald L Monin, Jr.
Donald L Monin, Jr.
Reg. No. 47,256

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